

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS ACOSTA,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

Case No. 1:20-cv-01209-DAD-EPG (PC)

**ORDER RESETTling AND ADVANCING
TELEPHONIC PRE-SETTLEMENT
CONFERENCE TO MAY 11, 2022**

**ORDER GRANTING ADMINISTRATIVE
RELIEF AND MODIFYING
SETTLEMENT CONFERENCE
PROCEDURES**

(Doc. 52)

This matter is set for a settlement conference before the undersigned on **May 26, 2022, at 10:00 a.m.** (Doc. 49.)

I. RELEVANT BACKGROUND

Following the setting of the settlement conference of May 26, 2022, by Magistrate Judge Grosjean on December 3, 2021 (Doc. 49 [minute order]), the undersigned issued an Order Setting Telephonic Pre-Settlement Conference and Settlement Conference Procedures on December 8, 2021. (Doc. 50.)

On April 28, 2022, Defendants Welch, McNeal, Montoya, Moore, and California Department of Corrections and Rehabilitation filed a Motion for Administrative Relief to Extend Time to Serve Settlement Correspondence. (Doc. 52.) Although the time for a response from Plaintiff has not yet passed, *see* Local Rule 230(l), the undersigned finds it unnecessary.

II. DISCUSSION

Defendants seek an extension of time to May 5, 2022, to serve informal pre-settlement conference correspondence on Plaintiff. (Doc. 52.) Specifically, as explained in defense counsel Peter D. Lewicki's declaration, the extension is necessary as Mr. Lewicki was only recently assigned to this case and despite diligent investigation of Plaintiff's claims and applicable defenses, including a telephonic meet and confer with Plaintiff, counsel has not yet received correspondence from Plaintiff conveying his settlement demand. (*Id.* at 3, ¶¶ 2-5.) Counsel declares he was advised by Plaintiff that the written settlement demand was mailed to the previously assigned Deputy Attorney General in the Los Angeles office.¹ Plaintiff notified current counsel of his settlement demand and position during the April 21, 2022, telephone conversation. (*Id.* at 3, ¶ 6.) Defense counsel anticipates being able to respond to Plaintiff's settlement demand by May 5, 2022, and will serve Plaintiff both by U.S. Mail and via email directed to the Litigation Coordinator at Plaintiff's institution. (*Id.* at 3, ¶¶ 7-8.)

For good cause shown, the undersigned will grant the requested extension of time concerning informal pre-settlement conference procedures.

Additionally, following consideration of Defendants' motion and consultation of the undersigned's calendar and obligations arising following issuance of the December 8, 2021, Order, the undersigned will reset the telephonic pre-settlement conference from May 18, 2022, and advance the conference to **May 11, 2022, at 1:30 p.m.**

Although the telephonic pre-settlement conference date will be advanced, the undersigned sees no need to otherwise alter the deadlines associated with the previously issued settlement conference procedures,² excepting the deadline addressed above.

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¹ Mr. Lewicki practices from the Sacramento Attorney General's Office.

² The undersigned will accommodate a brief delay in the receipt of Plaintiff's confidential settlement conference statement should such a delay become necessary.

